

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN STEVE VICK**, on January 31, 2001 at
3:00 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Steve Vick, Chairman (R)
Rep. Dave Lewis, Vice Chairman (R)
Rep. Matt McCann, Vice Chairman (D)
Rep. John Brueggeman (R)
Rep. Rosalie (Rosie) Buzzas (D)
Rep. Tim Callahan (D)
Rep. Edith Clark (R)
Rep. Bob Davies (R)
Rep. Dick Haines (R)
Rep. Joey Jayne (D)
Rep. Dave Kasten (R)
Rep. Christine Kaufmann (D)
Rep. Monica Lindeen (D)
Rep. Art Peterson (R)
Rep. Joe Tropila (D)
Rep. John Witt (R)

Members Excused: Rep. Stanley Fisher (R)
Rep. Jeff Pattison (R)

Members Absent: None.

Staff Present: Robyn Lund, Committee Secretary
Taryn Purdy, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 296, 1/26/2001; HB 92,
1/26/2001

HEARING ON HB 296

Sponsor: Representative Clarice Schrumpf, HD 12

Proponents: Jackie Biel, MSF/APA

Sharon Hoff-Brodowy, Montana Catholic Conference
Cleo Klepzig, MSFAPA
Twila Costigan, MSFAPA
Steven Ertelt, Montana Right to Life
Colleen Murphy, Montana NASW

Opponents: None.

Opening Statement by Sponsor:

Clarice Schrumpf, HD 12, brought HB 296 before the committee for Montana State Adoptive Parents Association. The purpose of this bill is to provide adoptive families with the help and support that they need to remain a cohesive family. There are more adoptions of our state's abused and neglected children occurring than ever before. At the time of adoptions these children have often experienced severe physical and sexual abuse, parental separation and a history of failed relationships. Many of these children also suffer from attachment and behavior problems. They may have a birth family history of mental illness or addictive behavior. These problems may be compounded in the child with developmental or physical disabilities or both. For many of these kids, adoption means an end to their journey through the child welfare system. However, too often, they do not know how to be a part of a family, so the transition into their new family is very difficult. Often the children will display acts and threats of violence. The state asks adoptive parents to make a life-long commitment to these children and to deal with the issues they bring along. Often the adoption causes distress in the marital and family relationships. Many times these adjustments fail and the adopted child is removed from the home. Once again, the child feels as if they have failed. The heart and soul of HB 296 is that we can't afford to abandon the adoptive parents after the adoption is finalized. This bill asks for relatively simple services.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 6.1}

Jackie Biel, adoptive parent, stated that she has adopted 4 children and that she has been a licensed foster parent for 4 years. She is a mentor for south central Montana, and a trainer for the new foster/adoptive kinship parents for child and family services in Yellowstone County. She has adopted 2 sets of siblings. The first set was Karen, age 4, and Andrew, age 15 months. They had been in foster care for the prior 9 months. When Andrew was 6 months old it was discovered that he had 17 broken bones at different stages of healing, a ruptured lymph

node in his stomach that was leaking a protein solution into his scrotum causing it to swell to the size of a tennis ball, part of his intestine was protruding out his rectum, most of his torso, face and head were bruised. The doctor testified that some of the fractures were caused by twisting rather than snapping. After 8 days in the hospital he was placed in foster care. When he came to live with the Biels he was very withdrawn, as this was his 3rd home. Ms. Biel emphasized that he never cried. She told of Andrew falling down three stairs, when they went to comfort him they found that he didn't cry, rather he winced as he lay on the floor. His sister, Karen, had shared a bedroom with him and watched the abuse. Karen has been diagnosed as having reactive attachment disorder, which is the lack of a bond with a primary care taker. She told her adoptive mom that she loved her a hundred times the first day. Ms. Biel stated that Karen was sweet, charming, loving and phony. Karen had learned to manipulate her environment by being so sweet, but she had a great deal of rage that would erupt. The tantrums were exhaustive and violent for everyone. She began sleep walking, and screaming in her sleep. She would sleep walk around the house crying and urinating on the floor. Karen had learned to not like Andrew out of fear of being hit. She would strike him numerous times a day. There were problems with masturbation; Karen said that she would, "hump on her parents legs while they watched TV." Soon there were problem with Karen touching other children. Ms. Biel said that she and her husband felt helpless, hopeless, inadequate, and consumed by Karen. Although they were in close contact with the department, they had only the case worker's opinions and suggestions. There soon was a great deal of friction between Ms. Biel and her husband. They chose to pay for counseling to save their marriage. Respite money was available to foster parents, but once the adoption was final the money was no longer available. Next Ms. Biel told of her second set of adopted siblings, twins, that they were able to bring home from the hospital, before there was ever a chance of abuse. The birth mother had been in the foster care system since she was two. She was adopted once, but after a divorce she was returned to the state. On her 18th birthday she was moved out of the system with no family. As a mentor, many of the adoptive couples that Ms. Biel works with have post adoption needs, similar to her own. Post adoption services and programs that support adoptive parent and their children's well being, like respite money, support groups, counseling, and references will maintain permanency and help to produce more productive citizens from these young innocent victims. This bill provides the adoptive family with tools to build.

Cleo Klepzig, MSFAPA, stated that she is the mother of 4 adoptive children and has been a licensed foster parent, on and off, since 1987. Her baby was born in 1999 with multiple birth defects, he

came to her at 4 months. Once his adoption was final her case with family services was closed. The supportive services for her family disappeared. Her son has a pediatrician, and ear nose and throat specialist, an audiologist, a cranial facial surgeon, a pediatric neurologist, a pediatric neurosurgeon, a pediatric orthopedist, a geneticist, a physical therapist, and occupational therapist, a speech therapist, a trainer, and intervention services. His family has no services. The amount of time that it takes to care for a multiply handicapped infant takes its toll on Mom, Dad, and the other kids. No respite is available since the adoption is finalized. They love their son and joyfully take on this responsibility, but they get tired and the system offers no support. Post adoption services in the form of respite, counseling and support groups, needs to be available to help the whole family adjust. The success of this adoption rests on the help of her entire family.

Twila Costigan, MSFAPA, stated that she has worked in the child welfare system for the past 19 years. Currently she is program manager at InterMountain Children's Home for an adoption program for seriously emotionally disturbed children. She stated that over the years she has trained hundreds of foster and adoptive parents and has helped finalize scores of adoptions. She has listened to adoptive parents talk about their needs for the majority of her career. HB 296 will provide the following services to adoptive children and families: Tracking of failed adoptions, a toll free resource and referral hotline, respite services, monthly support groups for families and children, counseling for adoptive parents and their birth children, post adoption workers to coordinate and support. As a result of recent legislation adoptions have increased 212% over the last five years. There have been almost 900 adoptions through the state in the last five years. Ms. Costigan talked about failed adoptions, known as disruptions. These usually occur when the child's behavior has become so severe that they can no longer live in the family and the family is crying out for help. About 25% of the emotionally disturbed children at InterMountain are from adoption disruptions. There is currently no way to track disruptions, even though they know that they occur. She stated that the child welfare system is very complex and that new adoptive families don't know what is available or how to access the services that are available. The toll free number would address this. Respite was rated the number one most important and unavailable service needed in a survey that went to all adoptive parents in the state of Montana. The need for a break for both the child and the family is very important in maintaining any adoptive placement. Monthly support groups were also identified as needed and unavailable. The need to talk to others in similar situations is also important in maintaining the placement. Counseling, such as marital therapy or therapy for

depression, is needed to help with these common problems. This bill would provide for post adoptive workers. Information and education was the other unavailable need identified by the survey. Adoption is one of the most complex and least understood areas of Montana's child welfare system. The families need to be able to call a social worker who can help them understand what is happening with their child. Regional social workers would be responsible for providing support services, training social workers and therapists on adoption issues, developing support groups for adoptive families and children, responding to families in crisis, recruiting and maintaining respite homes throughout the state, working with other professionals to develop resources for adoptive families and researching funding for services. The passage of this bill is crucial to maintaining adoptive placements. Each disruption causes more than monetary cost to the state, it jeopardizes the very emotional health of the child they are mandated to serve. Ms. Costigan then wanted to talk about the fiscal note. She stated that the fiscal note on this bill is quite high, so she had taken the fiscal note and prioritized. There will be some federal match of dollars and that would be 50% for administrative costs and 30% for respite and social workers. The break down of the fiscal note is \$270,000 per year for personnel services, that would be the 6 post adoption workers. There would be 5 regional workers and the last would be to make sure that everything ran and to find funding. There is an operating expense of \$66,000 the first year and \$45,000 the second year. This would cover things like postage and the toll free number. The benefits are \$1,400,000 each year and those benefits include counseling. \$74,000 for support groups, \$162,000 for respite. She stated that if we can't have it all, what would be most important would be the following three things: tracking of adoption failures, the 6 new social workers, and the respite, which would have federal matching funds. This brings it down to \$527,175 with a federal match of \$495,954.

Sharon Hoff-Brodowy, Montana Catholic Conference, wanted to say that the Catholic church sees the family as the very most basic social organization. Our state's institutions, laws and policies have to support and defend the family's rights and duties. Social institutions increasingly share many of the family's responsibilities for children, but they can never take the place of families. She referred to a statement by Rep. Gallik, it's cheaper to build a child than it is to fix an adult. These kids will eventually end up in the corrections system if the support isn't there for them.

Steven Ertelt, Montana Right to Life, supports cutting the money needed for this bill as Twila talked about earlier. He emphasized that adoption is such an important thing and none of

us are questioning the importance of it. He encouraged the committee to put something in place to start off with.

Colleen Murphy, National Association of Social Workers, stated that her organization stands in support of this bill because they think that it makes good economic sense to support potential problem situations before they erupt. She stated that she has great respect for parents who adopt special needs children and how difficult it is to recruit couples to do this. She thinks that if there were better supports available it would be easier to recruit adoptive families. She explained that often the parents are blamed for the child's problems, which causes tremendous despair and confusion. It takes a specially trained person to help the parents see what was their's and what wasn't their's. The other thing that she pointed out is that the children don't understand their own behavior, why they do it and why they can't control it. When they fail they begin to lose more and more hope. She estimated that 25% of our prison population is former foster care children.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 42.9}

Rep. Schrupf stated that this bill is about children who have survived all this incredible trauma, and it's about keeping these kids in adoptive families. We look at the cost of this and we think, oh boy, but she would like the committee to look at it the other way. These kids are all ready in the system, if we think it's costing us something now, just think about what it will cost down the road for each of these children. They will be in the system a long time and it will really cost then.

HEARING ON HB 92

Sponsor: Representative Kim Gillan, HD 11

Proponents: Dave Rheinhardt, Valley County Commissioner
Tim Davis, Montana Smart Growth Coalition
Linda Stoll, Montana Association of Planners
Peggy Trenk, Montana Association of Realtors
Byron Roberts, Montana Building Industry Association
Janet Ellis, Montana Audubon
Anne Hedges, MEIC
Jane Jelinsky, MACO

Opponents: None.

Opening Statement by Sponsor:***{Tape : 1; Side : B; Approx. Time Counter : 0.3}***

Representative Kim Gillan, HD 2, said that HB 92 provides the financial resources to implement SB 97, which passed during the 1999 session. She started by explaining the history of HB 92. The Environmental Quality Counsel began an analysis of the issue of growth planning in Montana. During the 18 month study it brought diverse opinions and viewpoints to the table. One of the common concerns that was expressed was that developers would often come into a community and would be faced with a very contentious subdivision process. It was identified that one of the reasons for contention during the subdivision process is that they were working off of 1970 master plans. Therefore, one of the key results that came out of the initial study was a suggestion that we look at the existing legislation or statutes that deal with master planning, we change master planning to the term growth planning, and that we encourage communities to prepare growth plans which would provide any developer, or others involved in that community, a more contemporary look as to what was happening. SB 97 passed in 1999 with broad bipartisan support because people felt that it would be a tool to take the contention out of the subdivision process and bring the different parties together to put together a growth policy development. Subsequent to that, another group continued working on this and they found that most local communities needed some financial resources in order to move forward with their growth planning. They looked at different funding options and the recommendation that they made to the EQC is embodied in HB 92 and that calls for \$1,000,000 appropriation for each of the fiscal years. She pointed out that HB 92 is providing the financial resources to implement a statute that we all ready have in place. It also has wide spread support. It is an economic development tool. Regardless of what happens to the state economy, for communities this really sends a very positive sign to the business communities. She passed out a letter from Jerry Sorensen at Plum Creek. **EXHIBIT (aph25a01)**

Proponents' Testimony:***{Tape : 1; Side : B; Approx. Time Counter : 5}***

Linda Stoll, Montana Association of Planners, stated that she worked on SB 97 in the last session. They struggled to try to find money for funding the growth policies and funding SB 97, and they failed on a tie vote in the senate. They continue to try to find funding for growth policies. The reason that this is so important is that many counties will spend a great deal of money

to try to do their growth planning. A few things that the legislature required of local governments to provide in a growth policy are objectives, maps, and inventory of existing characteristics and features. There is an entire page of things that local governments must include when putting together these growth policies. This costs local governments quite a bit of money. This will give local governments a hand in putting together these growth policies.

Janet Ellis, Montana Audubon, stated that as Montana continues to grow, we need to plan and let local governments plan, and they need help paying for that planning. They plan for roads, schools, sewer systems, and other services and the things that her organization cares about is steering growth away from environmentally sensitive areas in a way that continue farming and ranching opportunities in the community, protection of air quality, controlling noxious weeds, and other such things. This is a really important bill and she hopes that the committee will support it.

Peggy Trenk, Montana Association of Realtors, said that all of us benefit from a well planned community. Good planning is part of the overall economic development picture. If adequate infrastructure and housing isn't available, or if we can't demonstrate how we are going to provide that in a timely manner, it is going to be more difficult to attract investment by companies who might want to invest in Montana or to grow their existing company. We need to do that in a manner that does compliment our communities and our way of life. Planning can provide for all of those things. We do believe that growth planning should be accomplished at the local level and that local governments may not be in a position to pick up the whole cost of that planning. That is why this bill is so important, it helps them meet that challenge and it allows for partnerships to be formed to achieve that goal.

Tim Davis, Montana Smart Growth Coalition, stated that his organization is made up of all types of people. The members feel that without the funding of local planning, most counties don't have enough money to carry out basic subdivision review, much less long term planning. Planning is essential for economic development, for maintaining our home towns and down towns, for protecting farms and ranches, providing affordable housing, keeping clean water and air, and more.

Dave Reinhardt, Commissioner of Valley County, was pleased to see this bill as it was written because his county would fit into this category of counties. This is a need that they have even in a rural community, and they are currently working off of a 1977

growth policy plan that doesn't fit our time. Since they can't afford to do a growth plan it gets put off every year, perhaps with this funding they could finally do it.

Anne Hedges, Montana Environmental Information Center, wanted to add that planning saves the state money. Poorly planned infrastructure cost the state money because people keep coming back for money to deal with problems when they are in crisis mode. If you can plan for those types of activities in advance, you can keep costs down, you don't have a crisis on your hands. This will save money in the long run.

Byron Roberts, Montana Building Industry Association, is a strong advocate of the development of comprehensive plans and growth policies. It is essential to the housing that they provide. They recognize that guiding community growth and development in creating livable neighborhoods and programming capital improvements, providing infrastructure, providing building lots are all essential for economic development. As an industry they have always been supportive of comprehensive planning. They are here to encourage the funding and passage of HB 92.

Jane Jelinski, Montana Association of Counties, asks the committee to support this bill. It is a very important bill for counties and the counties unanimously support it.

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 15}

REPRESENTATIVE CHRISTINE KAUFMAN asked, of the sponsor, could she explain the effect of section 5, the section that was apparently added in the Natural Resources Committee. **Rep. Gillan** replied that it tells you that this amendment was added and that should there be no appropriation for this bill it will be removed from the books. It was a clean-up item. **REP. KAUFMAN** asked if the sponsor supported that or not. **Rep. Gillan** doesn't have a strong opinion either way.

REPRESENTATIVE STEVE VICK asked, of Byron Roberts, saying that he thought that the Montana Home Builders opposed the smart growth policies that the city of Bozeman implemented and tried to fight them, so he was curious as to why the Montana Building Industry Association is supporting this bill. **Byron Roberts** replied that he felt that it was two different issues. This is funding for growth policies, there have been a number of smart growth efforts throughout the state, and some smart growth efforts seem more to be no growth efforts than smart growth efforts. On the other hand, he thinks that we are all looking for cluster development,

and we are seeing a situation right now where a tremendous amount of housing is being built outside of communities. He stated that we want to make communities more friendly to families, more friendly to subdividers, more friendly by providing sewer and water and things like that. His national association says that they invented smart growth. There are different people using that smart growth terminology in a lot of different ways. **REP. VICK** continued that this money could go to the city of Bozeman to further promote those policies. Is that correct? **Mr. Roberts** replied that was true and they are in favor of that. The planning process is one in which there are many diverse groups and interests involved and his organization recognizes that, but they are in favor of funding local comprehensive plans or growth policies.

REPRESENTATIVE DICK HAINES asked, of Dave Reinhardt, if there was a law passed that said do this without any money with it, what would he give up to meet that mandate. **Dave Reinhardt** replied that in the last budget they had to cut \$107,000, a lot of that came from insurance costs. If something like this were to arise this year, they are cutting entire departments, somebody's department would be cut. They are as bare bones as they can get.

REPRESENTATIVE JOEY JAYNE asked, of the sponsor, what are the jurisdictional areas that are under this bill. **Rep. Gillan** clarified that the jurisdictions are cities, towns, city/county groups, and counties. There originally had been something in the bill that talked about planning boards and that was removed because they want to make sure to go through the appropriate jurisdictions.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 22}

Rep. Gillan wanted to point out that when SB 97 was passed in 1999, the development of growth policies is optional. There is no mandate on communities to do these. This is for those communities who want to move forward. When they were retooling the existing master planning statute, they said growth policy and they were very specific about not saying growth management because there can be a major distinction. Although she didn't know the specifics of the Bozeman situation, in this bill these dollars are only available for people who are developing a growth policy that meets all of the requirements of 76-1-601, which is the existing statute. When this came along the issue of smart growth wasn't considered as part of it. It is for communities who are increasing or decreasing in their population. If you don't plan you will plan to fail. One of the reasons that she

thinks that SB 97 has been so popular is that there are provisions in that law that allow a developer coming into the subdivision process, if there is an approved growth policy, they can actually skip a couple of the steps that go into the subdivision process.

Committee Discussion:

{Tape : 1; Side : B; Approx. Time Counter : 24.9}

REP. KAUFMAN stated that both of the bills had been heard on second reading on the floor, is it typical for that to happen?

REP. VICK replied that it is done both ways. There isn't anything in rule, that he is aware, about how it is handled.

Taryn Purdy explained that if a committee hears a bill and makes a lot of amendments to it, until the House accepts those amendments they don't exist on the bill. If the bill goes to the House and the House accepts it then it can go to another committee with the amendments intact. If that doesn't happen then the committee will essentially get first reading copy of that and you would start over. **REP. KAUFMAN** wanted to make sure that after the third reading it was gone from their control.

REP. VICK replied that that is correct.

REPRESENTATIVE DICK HAINES asked if it would be possible to get a list of the bills that they had and the amount that they are asking for and the nature of the funding. **REP. VICK** said that the fiscal division is working on that sort of a list.

REPRESENTATIVE ROSIE BUZZAS asked if there was some sense of what amount of money they would actually have to work with. **REP. VICK** said that they did get status sheets, but the status sheets don't reflect an accurate picture because they only take in subcommittee action that has been taken into account, not what is in the executive budget. If you take into account what is in the executive budget, we have about a \$12,000,000 ending fund balance. They really need to have at least \$40,000,000 for an ending fund balance. If you look at it that way the committee has no money to spend. **REP. BUZZAS** wondered when the committee would expect to know. **REP. VICK** replied that when the subcommittees are done they will have a better idea. For the size of the budget the ending fund balance should be closer to \$60,000,000, but that will be difficult to get to because of the conditions that we have.

REP. DAVIES added that, if we fail to get a reasonably sized ending fund balance, there is a good chance that we will be back up here with the necessity of raising taxes or cutting government programs in order to get the constitutional requirement of a

balanced budget. With the economy trending downward we may even be back if they have a \$50,000,000 ending fund balance.

REP. BUZZAS wanted to know when the group would make a decision about what the ending fund balance would be. **REP. VICK** replied that last session was the first session that they ever actually officially took a position on the ending fund balance. **Ms. Purdy** believes that it is completely up to the legislature on how they want to go about making that decision.

REP. BUZZAS stated that she just wanted the committee to all be starting from the same amount and she is not sure that they are.

REP. VICK asked for her preference of where she would like it to be. **REP. BUZZAS** replied that she is not saying that it should be my way or your way. She thinks that the committee, and the joint committee, needs to discuss it and debate it and vote on it and make it clear so that everybody knows how to proceed as they continue through this frustrating process.

ADJOURNMENT

Adjournment: 4:40 P.M.

REP. STEVE VICK, Chairman

ROBYN LUND, Secretary

SV/RL

EXHIBIT (aph25aad)